IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO.433 OF 2003

IN

SUMMARY SUIT NO.1005 OF 2003

Ramkumar Ayodhyaprasad Gupta .. Plaintiff

versus

M/s IVP Ltd .. Defendant

...

Mr.M.G.Mimani for Plaintiff.

Mr.P.A.Sawant i/b DSK Legal for Defendant.

CORAM : D.G. KARNIK, J

DATED : 16th March 2005.

P.C:-

1. In pursuance of an order dated 9th January, 2003 passed in Company Petition No. 599 of 2002 the defendant has deposited in this court a sum of Rs.2,00,000/-. Claim in this suit is in respect of the principal sum of Rs.2,34,830/- and the balance claim is in respect of the interest. The defendant has contested the suit and raised defences regarding

the quality and quantity of water supplied. The defendant also wants to make a counter claim against the plaintiff. In the circumstances, the defences raised by the defendant cannot be said to be defences without substance. The original order was placed by the defendant does not show that the defendant was liable to pay any interest. In the circumstances, the defendant is granted leave to defend the suit subject to the condition that the amount of Rs.2,00,000/- already deposited in the Court shall be treated as deposit in this Court on the account of the suit. The amount deposited be invested in the State Bank of India initially for a period of 13 months to be renewed from time to time till the disposal of the suit.

2. Suit shall stand transferred to the list of commercial causes. The defendant to file the written statement within a period of one month.

D.G.KARNIK, J